IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 139 OF 2006

IN

SUMMARY SUIT NO.1319 OF 2005

...

Hazel Mercantile Ltd. ...Plaintiff

v/s.

M/s. Silicones Industries (India) Ltd. & ors. ...Defendants

...

Mr.V.R.Dhond with Mr. V.Kantawala i/b Kantawala & Co. for the Plaintiff.

None for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 16TH AUGUST, 2006

P.C.:

The learned Counsel appearing for the Plaintiff states that though in this summons for judgment reliefs against both the defendants are sought, he seeks leave of the court to delete the name of Defendant No.2 from the suit as well as the summons for judgment.

2. Defendant No.1 has been served. Defendant No.1 was represented by the advocate. By following the procedure, the advocate appearing for the Defendant No.1 has taken discharge. Defendant No.1 has not engaged any other advocate. Defendant No.1 is also not appearing. Defendant No.1 has not filed application for leave to defend within the time allowed by Order XXXVII of CPC and therefore in terms of the provisions of order XXXVII the Plaintiff is entitled to judgment.

3. Heard the learned Counsel for the Plaintiff. Perused the record. It appears that the claim is virtually admitted by the Defendant No.1. Defendant

No.1 has also issued cheques for making payment, but all those cheques were dishonoured. Summons for judgment is , therefore, granted. Suit of the Plaintiff is decreed in terms of prayer clause of the suit only against the Defendant No.1. Refund of court fees as per rules.

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